

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN GONZALEZ,

Plaintiff,

v.

DIRECTOR OF NURSING H.D.S.P., et al.,

Defendants.

Case No.: 2:24-cv-01399-APG-MDC

ORDER

On July 29, 2024, pro se plaintiff Steven Gonzalez, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). But the complaint is not signed personally by Plaintiff, and the application to proceed *in forma pauperis* is incomplete because **the financial certificate is not complete, and Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application**. The Court will grant Plaintiff an extension of time to submit a signed amended complaint to the Court and either pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*.

I. DISCUSSION

A. Plaintiff must submit a signed amended complaint to the Court.

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. L.R. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

The Court cannot consider the original complaint because Plaintiff did not personally sign it. If Plaintiff wants to proceed with this action, Plaintiff must file an amended complaint that is signed personally by the Plaintiff. Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be

complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this action. The submission of a mere signature page will not be enough. Moreover, Plaintiff should file the amended complaint on this Court's approved civil-rights form, and it must be titled "First Amended Complaint."

B. Plaintiff must either pay the filing fee or apply for *pauper* status.

Additionally, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

II. CONCLUSION

It is therefore ordered that Plaintiff has **until October 7, 2024**, to submit a signed amended complaint to this Court.

It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has **until October 7, 2024**, to either pay the full

1 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
2 all three required documents: (1) a completed application with the inmate's two signatures
3 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
4 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
5 previous six-month period.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
7 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
8 to refile the case with the Court, under a new case number, when Plaintiff can file a signed
9 complaint and either file a complete application to proceed *in forma pauperis* or pay the
10 required filing fee.

11 The Clerk of the Court is directed to send Plaintiff Steven Gonzalez (1) the
12 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same and
13 (2) an application to proceed *in forma pauperis* for an inmate and instructions for the
14 same, and to retain the complaint (ECF No. 1-1) but not file it at this time.

15 DATED THIS 8th day of August 2024.

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20 Hon. Maximiliano D. Couvillier III
21 UNITED STATES MAGISTRATE JUDGE
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